

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 2, 2005. Claims 21-44, 46-52, 54-57 and 59-62 were pending in the Application. In the Office Action, Claims 21-44, 46-52, 54-57 and 59-62 were rejected. In order to expedite and advance the prosecution of the present Application, Applicant amends Claims 30-35, 40, 47, 48, 55, 56, 59 and 60. Thus, Claims 21-44, 46-52, 54-57 and 59-62 remain pending in the Application. Applicant respectfully requests reconsideration and favorable action in this case.

As an initial matter, Applicant amends Claims 30-35 to correct a dependency discrepancy. Claims 30-35 are amended to depend from independent Claim 29. The amendments to Claims 30-35 are not made based on any cited reference and, therefore, do not narrow or otherwise change the scope of Claims 30-35. Favorable action is respectfully requested.

In the Office Action, the following actions were taken or matters were raised:

SECTION 102 REJECTIONS

Claims 21-24, 26, 29-31, 35, 36, 38, 46, 47, 52, 55, 57 and 59 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,175,832 issued to Umeki et al. (hereinafter "*Umeki*"). Applicant respectfully traverses this rejection.

Of the rejected claims, Claims 21, 29, 36, 47, 55 and 59 are independent. Applicant respectfully submits that *Umeki* does not disclose or even suggest each and every limitation of independent Claims 21, 29, 36, 47, 55 and 59.

Independent Claim 21 recites "an electromagnetic element adapted to generate the electromagnetic field proximate to the reflector element to produce rotational and lateral movement of the reflector element relative to the data storage medium" (emphasis added). *Umeki* appears to disclose two pairs of drive coils 19, 20 and 21, 22 arranged around a magnet 17

which is attached to the back of a mirror 5 of *Umeki* (*Umeki*, column 4, lines 4-7 and 15-18). *Umeki* also appears to disclose that one pair of coils (i.e., coils 19 and 20) are used to incline the mirror 5 of *Umeki* while another pair of coils (i.e., coils 21 and 22) are used to tilt the mirror 5 of *Umeki* (*Umeki*, column 4, lines 18-35). Thus, the coils 19, 20, 21 and 22 of *Umeki* do not appear to be used to produce “lateral movement” of the mirror 5 of *Umeki*. To the contrary, *Umeki* appears to disclose that lateral movement of the mirror 5 of *Umeki* is controlled by a movable support 11 of *Umeki* (“The prism 3, mirror 4, servo mirror 5 . . . are all mounted on a movable support 11 that can be moved longitudinally along a pair of guides 9 and 10” (*Umeki*, column 3, lines 43-47, figure 1)). Thus, Applicant respectfully submits that *Umeki* does not disclose or even suggest “an electromagnetic element adapted to generate the electromagnetic field proximate to the reflector element to produce rotational and lateral movement of the reflector element relative to the data storage medium” as recited by Claim 21 (emphasis added). Accordingly, for at least this reason, Applicant respectfully submits that *Umeki* does not anticipate independent Claim 21.

Independent Claim 29 recites “controlling, via the electromagnetic field, rotational and lateral movement of the reflector element relative to the data storage medium” (emphasis added), and independent Claim 36 recites “means for controlling, via an electromagnetic field, rotational and lateral movement of the reflecting means relative to the data storage medium” (emphasis added). At least for the reasons discussed above in connection with independent Claim 21, Applicant respectfully submits that *Umeki* also does not anticipate independent Claims 29 and 36.

Independent Claim 47, as amended, recites “a reflector element movable . . . responsive to [an] electromagnetic field for sweep control in a first direction, tracking control in a second direction different than the first direction and focus control” (emphasis added). As discussed above in connection with independent Claim 21, *Umeki* appears to disclose using coils 19, 20, 21 and 22 for inclining and tilting the mirror 5 of *Umeki*. Further, *Umeki* recites:

Focus control is achieved by arranging a magnetic coil 12 around the objective lens 6 and controlling the position of this lens axially along the beam 2 by a servo control signal.

(*Umeki*, column 3, lines 58-61) (emphasis added). Thus, *Umeki* appears to disclose that focus control is achieved using an element different than the mirror 5 of *Umeki*, namely, the lens 6 of *Umeki*. Accordingly, Applicant respectfully submits that *Umeki* does not disclose or even suggest “a reflector element movable . . . responsive to [an] electromagnetic field for sweep control in a first direction, tracking control in a second direction different than the first direction and focus control” as recited by Claim 47 (emphasis added). Therefore, for at least this reason, Applicant respectfully submits that *Umeki* does not anticipate independent Claim 47.

Independent Claim 55, as amended, recites “means for directing an optical signal toward the data storage medium, the directing means movable for sweep control in a first direction, tracking control in a second direction different than the first direction and focus control in response to the electromagnetic field” (emphasis added), and independent Claim 59, as amended, recites “controlling, via the electromagnetic field, sweep movement of the reflector element in a first direction, tracking movement of the reflector element in a second direction different than the first direction and focus movement to direct an optical signal toward the data storage medium from the reflector element” (emphasis added). At least for the reasons discussed above in connection with independent Claim 47, Applicant respectfully submits that *Umeki* also does not anticipate independent Claims 55 and 59.

Claims 22-24, 26, 31, 35, 38, 46, 52 and 57 that depend respectively from independent Claims 21, 29, 36, 47 and 55 are also not anticipated by *Umeki* at least because they incorporate the limitations of respective Claims 21, 29, 36, 47 and 55 and also add additional limitations that further distinguish *Umeki*. Therefore, Applicant respectfully requests that the rejection of Claims 21-24, 26, 29-31, 35, 36, 38, 46, 47, 52, 55, 57 and 59 be withdrawn.

SECTION 103 REJECTIONS

Claims 25, 27, 28, 32-34, 37, 39, 40-44, 48-51, 54, 56 and 60-62 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Umeki* in view of U.S. Patent No. 5,768,037 issued to Marino et al. (hereinafter “*Marino*”). Applicant respectfully traverses this rejection.

Claims 25, 27, 28, 32-34, 37, 39, 48-51, 54, 56 and 60-62 depend respectively from independent Claims 21, 29, 36, 47, 55 and 59. For at least the reasons discussed above, independent Claims 21, 29, 36, 47, 55 and 59 are in condition for allowance. Therefore, Claims 25, 27, 28, 32-34, 37, 39, 48-51, 54, 56 and 60-62 that depend respectively therefrom are also in condition for allowance, and Applicant respectfully requests that the rejection of Claims 25, 27, 28, 32-34, 37, 39, 48-51, 54, 56 and 60-62 be withdrawn.

Of the remaining rejected claims (Claims 40-44), Claim 40 is independent. Applicant respectfully submits that neither *Umeki* nor *Marino*, alone or in combination, discloses teaches or suggests the limitations of independent Claim 40. For example, Claim 40, as amended, recites “means for reflecting an optical signal toward the data storage medium, the reflecting means responsive to an electromagnetic field for tracking control in a first direction, sweep control in a second direction different than the first direction and focus control” (emphasis added). The Examiner appears to rely on *Marino* for purportedly disclosing a conductive coil formed on a printed circuit board because the Examiner appears to acknowledge that such limitation is not disclosed by *Umeki* (Office Action, page 5). However, as discussed above, *Umeki* does not disclose or even suggest a “reflecting means responsive to an electromagnetic field for tracking control . . . sweep control . . . and focus control” as recited by Claim 40. Moreover, *Marino* does not appear to remedy, nor does the Examiner rely on *Marino* to remedy, at least this deficiency of *Umeki*. Accordingly, for at least this reason, Applicant respectfully submits that neither *Umeki* nor *Marino*, alone or in combination, discloses, teaches or suggests the limitations of independent Claim 40. Therefore, Applicant respectfully requests that the rejection of Claim 40, and Claims 41-44 that depend therefrom, be withdrawn.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

No fee is believed due with this Response. If, however, Applicant has overlooked the need for any fee due with this Response, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

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Date: 2-2-06

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